

SENATE BILL NO. 130

INTRODUCED BY F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRUSTEES OF A SCHOOL DISTRICT TO EXCHANGE CERTAIN DISTRICT PROPERTY WITH A PUBLIC OR PRIVATE ENTITY UPON RECEIPT OF A BINDING ~~COMMITMENT~~ WRITTEN AGREEMENT THAT USE OF THE PROPERTY WILL BENEFIT THE SCHOOL DISTRICT AND UPON APPROVAL OF THE ELECTORATE; REQUIRING THE DEED FOR THE LAND EXCHANGE TO CONTAIN REVERSIONARY CLAUSES TO ALLOW FOR RETURN OF THE LAND TO SCHOOL DISTRICT OWNERSHIP IF THE ~~COMMITMENT IS UNFULFILLED~~ WRITTEN AGREEMENT IS NOT COMPLIED WITH; AMENDING SECTION 20-6-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-6-603, MCA, is amended to read:

"20-6-603. Trustees' authority to acquire or dispose of sites and buildings -- when election required. (1) The trustees of a district may purchase, build, exchange, or otherwise acquire, sell, or dispose of sites and buildings of the district. Action may not be taken by the trustees without the approval of the qualified electors of the district at an election called for the purpose of approval unless:

(a) a bond issue has been authorized for the purpose of constructing, purchasing, or acquiring the site or building;

(b) an additional levy under the provisions of 20-9-353 has been approved for the purpose of constructing, purchasing, or acquiring the site or building;

(c) the cost of constructing, purchasing, or acquiring the site or building is financed without exceeding the maximum general fund budget amount for the district and, in the case of a site purchase, the site has been approved under the provisions of 20-6-621; or

(d) money is otherwise available under the provisions of this title and the ballot for the site approval for the building incorporated a description of the building to be located on the site.

(2) ~~For~~ EXCEPT FOR land that is ~~not~~ granted to or held by the state in trust OR LAND ACQUIRED BY CONDITIONAL DEED UNDER THE PROVISIONS OF 20-6-605, the trustees may, upon approval by the electorate, accept as partial or total consideration for the exchange of the land a binding ~~commitment~~ WRITTEN

1 AGREEMENT by a public or private entity seeking the exchange to use the property to provide a service that
2 benefits the school district. THE DEED FOR THE EXCHANGE OF LAND MUST CONTAIN REVERSIONARY CLAUSES THAT
3 ALLOW FOR THE RETURN OF THE LAND TO SCHOOL DISTRICT OWNERSHIP IF THE BINDING COMMITMENT IS UNFULFILLED
4 WRITTEN AGREEMENT IS NOT COMPLIED WITH.

5 ~~(2)~~(3) When an election is conducted under the provisions of this section, it must be called under
6 the provisions of 20-20-201 and must be conducted in the manner prescribed by this title for school
7 elections. An elector qualified to vote under the provisions of 20-20-301 may vote in the election. If a
8 majority of those electors voting at the election approve the proposed action, the trustees may take the
9 proposed action."

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11 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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